

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of: |) | |
| |) | |
| Revision of the Commission's Rules to |) | CC Docket No. 94-102 |
| Ensure Compatibility With Enhanced 911 |) | |
| Emergency Calling Systems |) | |
| |) | |
| Amendment of Parts 2 and 25 to Implement the |) | IB Docket No. 99-67 |
| Global Mobile Personal Communications by |) | |
| Satellite (GMPCS) Memorandum of |) | |
| Understanding and Arrangements; Petition of the |) | |
| National Telecommunications and Information |) | |
| Administration to Amend Part 25 of the |) | |
| Commission's Rules to Establish Emissions |) | |
| Limits for Mobile and Portable Earth Stations |) | |
| Operating in the 1610-1660.5 MHz Band |) | |

To: The Commission

COMMENTS

Paging Systems, Inc. ("PSI"), by its attorneys and pursuant to *Further Notice of Proposed Rulemaking*, FCC 02-326, released December 20, 2002 ("*FNPRM*" or "*Further Notice*") and *Public Notice*, DA 03-209, released on January 27, 2003 ("*Public Notice*") which extended the deadline for filing comments and reply comments in the above-referenced proceeding, hereby submits its Comments.

INTRODUCTION

PSI will limit its comments only to Automated Maritime Telecommunications Systems ("AMTS"). PSI is a Commercial Mobile Radio Service ("CMRS") provider offering service to the maritime community by AMTS licenses under Part 80 of the Commission's Rules, on the west coast of the United States from Mexico to Canada and in Hawaii; and on the east coast from

Maine to Puerto Rico, as well as in the Great Lakes region. Accordingly, PSI has significant interest in the Commission's proposal for the 911 services for AMTS and it has standing to comment in this proceeding.

Discussion

PSI supports the Comments of Mobex Network Services, LLC ("Mobex") and Motorola, Inc. ("Motorola"). Both of these parties discuss the technical operations of AMTS service and the incompatibility of an AMTS system with the provision of 911 service. The parties conclude, and PSI agrees, that AMTS does not conform to the Commission's four factor standard to determine whether a CMRS carrier should be subject to basic or enhanced 911 requirements.¹

Motorola's Comments address the first factor: that a carrier that offers real-time, two-way switched voice service, interconnected with the public switched network, either on a stand-alone basis or packaged with other telecommunications services, must provide 911 services. Motorola asserts that AMTS is basically a dispatch service similar to non-covered SMR operators which are exempted from 911 services. Motorola urges the Commission to extend the exemption for E911 requirements provided to non-covered SMRs to include AMTS, to be consistent with the Commission's treatment of other similarly situated CMRS providers. Motorola at 3-4. PSI agrees that AMTS operators should be exempt.

Secondly, it is important to note that there are only a small number of land users on AMTS systems and those users have no expectation of 911 service since they are told at sign-up that the AMTS provider does not offer it. As Mobex states at page 2, "Land users are not only a small percentage of Mobex subscribership, but also their number is minuscule in comparison to the number of subscribers of even a small cellular system." By FCC rule mandate, service to

¹ FNPRM at ¶4.

land users is a secondary service for AMTS providers. The majority of AMTS users on waterways rely on the Coast Guard for emergencies. However, if the FCC were to require 911 service for the small number of AMTS land users, AMTS operators would have to “obtain and replace end user equipment, revise its air signaling protocols, install additional coast station computing equipment and revise existing software, install a new telephone system at each coast station, and install interstate private lines to a multiplicity of PSAPs.” Mobex at 4.

The third factor in the FCC standard for the provision of 911 service is that the carrier competes with analog and broadband PCS providers. As background, Motorola references the *E911 First Report and Order*, explaining that “The intent was to extend the 911 requirements that apply to cellular and broadband PCS carriers to those SMRs that compete with them in providing mobile telephone service to the general public, but not to traditional dispatch services.”² Motorola at 1.

AMTS operators do not compete with cellular, PCS and covered SMR operators either in coverage area or competitive prices. AMTS areas of operations are ribbons of coverage on waterways. They are not the wide area systems of cellular, PCS and SMR. Further, as Mobex states at 3, because AMTS service and equipment are more expensive, AMTS is not at all price competitive with cellular, PCS and SMR services.

With regard to the fourth factor, both Mobex and Motorola argue that provision of E911 service is not technically and operationally feasible for AMTS. Motorola asserts that there is currently no means for implementing a “priority override” in a dispatch radio system to allow 911 access to the PSTN. Additionally, it states that the required call back and automatic number identification (“ANI”) are not supportable by dispatch radio systems because:

² See *E911 First Report and Order* at ¶¶ 80-83.

The dispatch operator has no control over the ANI or pseudo ANI information transmitted with the call; that information is provided by the LEC. Therefore, even if a dispatch system could identify a calling subscriber unit – which they cannot – they are incapable of passing such information to the PSAP.

Motorola at 2-3.

Further, in addition to the complete redesign of the AMTS system discussed above that would be required for 911 service, there are no handsets available and no prospects for any AMTS handsets which incorporate GPS positioning. GPS positioning is the only feasible method of providing the location information of an AMTS user to a Public Safety Answering Point (“PSAP”). But even if there were handsets, they will not be price competitive with cellular, PCS and SMR. Thus, Mobex makes the point that “the impracticality of the equipment industry’s producing a competitive GPS equipped AMTS handset makes AMTS unable to pass the fourth element of the Commission’s test.” Mobex at 6.

A significant point discussed by Mobex is a jurisdictional issue relating to the provision of 911 services and the large AMTS cells that overlap various jurisdictions. The present configuration of AMTS systems makes it difficult to ascertain where the call should be directed. This would imperil any 911 caller who has placed reliance on a call for help reaching the proper destination. Mobex at 9.

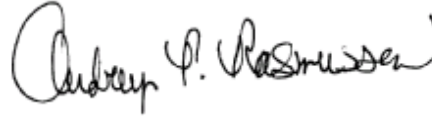
For all of the above reasons, PSI supports the Mobex and Motorola Comments.

CONCLUSION

Paging Systems, Inc. respectfully requests that, because AMTS fails all of the Commission’s tests for provision of 911 and E911 services, the Commission not impose a 911 or E911 requirement on AMTS.

Respectfully submitted,

PAGING SYSTEMS, INC.

A handwritten signature in black ink, reading "Audrey P. Rasmussen". The signature is written in a cursive, flowing style.

David L. Hill

Audrey P. Rasmussen

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